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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,243	07/30/2003	Mark D. Chuey	LEAR 04078 PUS / 04078	9386
34007	7590	06/29/2005	EXAMINER	
BROOKS KUSHMAN P.C. / LEAR CORPORATION 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075-1238			NGUYEN, NAM V	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/630,243	CHUEY, MARK D.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nam V. Nguyen	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 30 July 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-23 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 30 July 2003 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/22/12/16/10/12/4.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

## **DETAILED ACTION**

The application of Chuey for a “programmable appliance remote control” filed July 30, 2003 has been examined.

Claims 1-23 are pending.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the phrase “a receiver operative to receive a radio frequency activation signal” is confusing and unclear. It is not understood what is meant by such a limitation. Is the receiver in the appliance or a receiver in a wireless remote control receiving a RF activation signal? Is the system includes a remote control and an appliance? Where is this limitation supported by specification?

Referring to claims 2-11 are rejected as being dependent upon a rejected Claim 1 above.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 9-10, 12-20 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsui (Pub. No. 2002/0163440).

Referring to claims 1 and 12, Tsui discloses a programmable universal transmitter as recited in claims 1 and 12. See Figures 1-7 and respective portions of the apparatus and method. Tsui discloses a system (i.e. a transmitter-receiver controller system) for wirelessly activating an appliance (130) (i.e. a utility device) (page 2, paragraph 0020; see Figure 1), the appliance (130) responding to one of a plurality of transmission schemes (i.e. plurality of formats and frequencies) (page 2, paragraph 0021-0022; see Figures 1-2 and 4), the system (100 and 120) (i.e. a transmitter-receiver controller system) (See Figure 1) comprising:

A receiver (120) operative to receive a radio frequency activation signal (110) (page 2, paragraph 0020-0021; see Figure 1);

a transmitter (248) (i.e. a RF circuit of a transmitter 100) operative to transmit a radio frequency activation signal (110) (i.e. a signal having a predetermined transmission frequency and a unique data transmission format) (page 2, paragraph 0021-0027; see Figures 1 to 3B); at least one user activation input (226) (i.e. a plurality of switches S1 to S4), each activation input identifying a wireless channel (page 3, paragraph 0029; page 4, paragraph 0036 to 000039; see Figures 1 to 3B); a programming input (230) (i.e. code switch) (page 3, paragraph 0030; see Figure 2); memory (222) (i.e. ROM) holding data describing a plurality of rolling code transmission schemes (i.e. rolling code settings) associated with a rolling code mode (i.e. a global rolling code) and a plurality of fixed code transmission schemes (i.e. code setting), at least one fixed code transmission scheme associated with each of at least one fixed code mode (i.e. a global 'N' code) (page 2 paragraph 0025 to 0026; page 3 paragraph 0035 to page 4 paragraph 0040; see Figure 2); and

control logic (210) (i.e. a CPU) in communication with the transmitter (248), the at least one user activation input (226), the programming input (230) and the memory (222) (see Figure 2; page 2 paragraph 0025), for each channel the control logic (210) maintaining a channel mode set initially to a rolling code mode (i.e. a global rolling code), the channel mode changing to one of the at least one fixed code mode (i.e. global 'N' code) if the channel is trained to a fixed code received from the programming input (230) (page 5 paragraph 0042 to 0047; see Figures 4 and 5), the control logic (210) in response to an assertion of the user activation input (230) associated with the channel generating and transmitting an activation signal (110) based on each

transmission scheme (i.e. global ‘N’ code setting) associated with the mode maintained for the channel (page 4 paragraph 0037 to page 5 paragraph 0041; see Figures 3-5).

Referring to Claim 2 and 19, Tsui discloses the system of claims 1 and 12, wherein the at least one fixed code mode (i.e. global ‘N’ code) is a single fixed code mode (i.e. a fixed code pulse modulation signal) (page 3 paragraph 0029 to 0030; page 4 paragraph 0038).

Referring to Claims 3 and 13-15, Tsui discloses the system of claims 1 and 12, wherein the at least one fixed code mode (i.e. global ‘N’ code) is a plurality of fixed code modes (i.e. a fixed code pulse modulation signal, pulse width modulation and frequency shift keying signal) (page 3 paragraph 0029 to 0030; page 4 paragraph 0036 to 0040).

Referring to Claims 4 and 16, Tsui discloses the system of claims 1 and 15, wherein the fixed code has a code size and wherein the control logic (210) determines the fixed code channel mode based on the code size of the fixed code (i.e. a global “N” code setting in EEPROM) (page 2 paragraph 0025; page 3 paragraph 0030; page 4 paragraph 0037; see Figures 2-4).

Referring to Claims 5, 10 and 17, Tsui discloses the system of claims 1, 3 and 15, wherein the receiver is operative to identify a carrier frequency of a received signal and wherein the control logic determines the fixed code mode based on the identified carrier frequency (page 5 paragraph 0042; page 6 paragraphs 0048 to 0049; see Figures 4 and 6).

Referring to Claims 6 and 18, Tsui discloses the system of claims 1 and 15, wherein the control logic (210) determines the channel mode as one of the fixed code modes through guess-and-test user interaction (learning sequence) (page 6 paragraph 0048 to 0049; see Figures 5 and 6).

Referring to Claims 7 and 20, Tsui discloses the system of claims 1 and 12, wherein the channel mode may be reset to rolling code mode (i.e. global rolling code) (page 4 paragraph 0040 to 0041; page 5 paragraph 0045 to 0047; see Figures 4 and 5).

Referring to Claims 9 and 22, Tsui discloses the system of claims 1 and 12, wherein the control logic (210) generates and transmits activation signals based on a popularity of schemes (i.e. a desired frequency range), thereby reducing an average activation latency time (page 3 paragraph 0028 to 0032; page 4 paragraph 0041 to 0042; see Figure 1-5).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsui (Pub. No. 2002/0163440) and in view of Chiloyan et al. (US# 6,008,735) as applied to Claims 1 and 12.

Referring to Claims 8 and 21, Tsui discloses the system of Claims 1 and 12, however, Tsui did not explicitly disclose further comprising a data port operative to download data describing at least one scheme into the memory.

In the same field of endeavor of a programmable remote control system, Chiloyan et al. teach that a data port (24) (i.e. a data link interface) operative to download data describing at least one scheme (i.e. code sets) into the memory (14) (column 4 lines 21 to 52; column 5 lines 24 to 46; see Figure 1) in order to add additional code sets.

One of ordinary skilled in the art recognizes the need to have a data link interface in a programmable remote control unit of Chiloyan et al. in programmable universal transmitter of Tsui because Tsui suggests it is desired to provide that the programmable universal transmitter learns additional code to store in non-volatile memory from external utility devices (page 6 paragraph 0048 to 0049) and Chiloyan et al. teach that a remote control unit has a data link interface to download an additional code sets to store in the memory in order to update code set easily. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have a data link interface in a programmable remote control unit of Chiloyan et al. in programmable universal transmitter of Tsui with the motivation for doing so would have been to provide an additional way to update and to load data into memory from external devices.

Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsui (Pub. No. 2002/0163440) (hereinafter Tsui'0163440) and in view of Tsui (US# 6,441,719) (hereinafter Tsui'719) as applied to Claims 1 and 12.

Referring to Claims 11 and 23, Tsui'0163440 discloses the system of Claims 1 and 12, however, Tsui'0163440 did not explicitly disclose further comprising wherein the memory holds a different counter value for each of the plurality of rolling code transmission schemes.

In the same field of endeavor of a remote control signaling system, Tsui'719 teaches that wherein the memory (102) (i.e. a memory of a security console 20) holds a different counter value (i.e. value of the variable security code) for each of the plurality of rolling code transmission schemes (i.e. device rolling code data) (column 6 lines 42 to 53; column 9 line 64 to column 10 line 34; see Figures 1-5) in order to calculating the variable security code correctly for signal transmissions to the signaling devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need for storing each value of the variable security code for each device rolling code data in memory of a security console of Tsui'719 in a programmable universal transmitter of Tsui'0163440 because using a memory to store different value for each of the plurality of rolling code transmission schemes would improve transmission of correct rolling code for each utility device.

***Double Patenting***

Claims 1-4, 7-9, 11-13 and 20-23 of this application conflict with claims 1-4, 6-9, 16-17 and 22-25 of Application No. 10/630,019. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Okayasu et al. (US# 6,043,753) disclose a remote control operated locking/unlocking system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone numbers for the

organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen  
June 24, 2005

*N*

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